UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,919	04/19/2000	Joseph P.R. Toscy	50014.US01	3485

			EXAMINER
23552	7590	07/23/2004	DADA, BEEMNET W

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ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/551,919	TOSEY, JOSEPH P.R.
	Examiner	Art Unit	
	Beemnet W Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 May 2004*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-34* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-34* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The text of those sections of Title 35 U.S. Code not included in this action can be found in a prior office action.

2.   Claims 1, 7, 11-12, 18, 22-23, 29 and 33 are rejected under 35 U.S. C 103(a) as being unpatentable over Naito et al. (US Patent No. 5,875,345) in view of Johnson et al. (hereinafter refereed to as Johnson_097) (US Patent No. 5,664,097).

3.   The rejection is applied for the same reason as set forth in the previous office action, pages, 2-5, mailed 11/19/03.

4.   Claims 2, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson_097 and further in view of Johnson et al. (hereinafter referred to as Johnson_475) (U.S. Patent No. 5,682,475).

5.   The rejection is applied for the same reason as set forth in the previous office action, page 5, mailed 11/19/03.

6.   Claims 3-6, 14-17, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson_097 and further in view of "System Mode Transition with

Notification and Adoption," IBM Technical Disclosure Bulletin, September 1995, Vol. 38, Issue

No. 9, pages 153-154 (hereinafter referred to as IBM).

7.   The rejection is applied for the same reason as set forth in the previous office action,

pages 6-8, mailed 11/19/03.

8.   Claims 8-10, 19-21, and 30-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Naito in view of Johnson_097 and further in view of Jalili (U.S. Patent No.

6,209,104).

9.   The rejection is applied for the same reason as set forth in the previous office action,

pages, 8-10, mailed 11/19/03.

10.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of

Johnson_097, and further in view of Flickner et al. (hereinafter referred to as Flickner) (U.S.

Patent No. 6,282,553 B1).

11.   The rejection is applied for the same reason as set forth in the previous office action,

pages, 10-11, mailed 11/19/03.

Response to Arguments

12.   Applicant's arguments filed 5/18/04 have been fully considered but they are not

persuasive.

13.   With respect to claims 1, 12 and 23, the applicant argues that Naito fails to teach or

suggest continuing the operation session if the user performs an authentication-update process

within a second predetermined time period after the operating session is suspended, and

continuing the operating session if the user performs the authentication process after the

operating session is suspended in the second predetermined time period is exceeded. Further,

the applicant argues that Johnson_097 does not suggest a second predetermined time and an

authentication procedure. Furthermore, the applicant argues that the primary and secondary

references both fail to teach a second predetermined time period that relates to authentication-

update process. The examiner respectfully disagrees.

        Naito teaches an information processing system where, the system enters a suspend

mode when a predetermined time has elapsed since a last system operation (first

predetermined time) [See Naito, column 4, lines 5-24], and performing authentication if the

system resumes after a second predetermined time has elapsed [See Naito, column 4, lines 5-

24]. Naito also teaches the system continuing without authentication, if the system resumes

within a second predetermined time [See Naito, column 4, lines 5-24], but Naito suggests that in

a system where improved security is stressed authentication could be necessary [See Naito,

column 3, lines 35-37]. Further, Johnson_097, teaches voice recognition method for delaying

the activation of inactivity security mechanism, thereby eliminating the need for keyboard

password authentication when a user inputs predetermined audio signal when a time limit of a

security mechanism is about to expire (inputting a predetermined audio signal (understood by

the examiner as an authentication-update process)) [column 1, lines 37-45 and column 4, lines

25-47]. Therefore, modification of voice recognition method for delaying the activation of

inactivity security mechanism taught by Johnson_097 into the system of Naito comprising a

second predetermined period for delaying activation of inactivity security mechanism teaches a second predetermined time period that relates to authentication-update process, eliminating the need for keyboard password authentication, and improving system security.

14.   As per claims 7, 11, 18, 22, 29 and 33 the applicant argues that Naito in view of Johnson_097 fails to teach performing an authentication-update process comprising inputting a predetermined signal to the user-operated device within the second predetermined time period. The examiner respectfully disagrees.

Johnson_097 teaches voice recognition method (by comparing stored samples of valid user voice inputs see column 4, lines 25-30, i.e., understood by the examiner as authentication-update process by inputting predetermined voice signal) for delaying the activation of inactivity security mechanism [column 1, lines 37-45 and column 4, lines 25-47]. Therefore, modification of inputting predetermined voice signal for delaying the activation of inactivity security mechanism taught by Johnson_097 into the system of Naito comprising a second predetermined period for delaying activation of inactivity security mechanism teaches a predetermined signal that relates to an authentication-update process within a second predetermined time, eliminating the need for keyboard password authentication, and improving system security.

15.   As per claims, 8-10, 19-21 and 30-32, the applicant argues that the combination of Naito in view of Johnson_097 and further in view of Jalili fail to teach or suggest continuing the operation session if the user performs authentication-update process within a second predetermined time period and wherein the authentication update process comprises inputting a

predetermined signal to the user-operated device within the second predetermined time period. The examiner respectfully disagrees.

As discussed above, Johnson_097 teaches inputting predetermined signal for delaying the activation of inactivity security mechanism [column 1, lines 37-45 and column 4, lines 25-47]. Therefore, modification of inputting predetermined signal for delaying the activation of inactivity security mechanism taught by Johnson_097 into the system of Naito comprising a second predetermined period for delaying activation of inactivity security mechanism teaches a predetermined signal that relates to an authentication-update process within a second predetermined time, eliminating the need for keyboard password authentication, and improving system security.

16.   As per claim 34, the applicant argues that the combination of Naito in view of Johnson_097 and further in view of Flickner fail to teach or suggest continuing the operation session if the user performs authentication-update process within a second predetermined time period and wherein the authentication update process comprises inputting a predetermined signal to the user-operated device within the second predetermined time period. The examiner respectfully disagrees.

As discussed above, Johnson_097 teaches inputting predetermined signal for delaying the activation of inactivity security mechanism [column 1, lines 37-45 and column 4, lines 25-47]. Therefore, modification of inputting predetermined signal for delaying the activation of inactivity security mechanism taught by Johnson_097 into the system of Naito comprising a second predetermined period for delaying activation of inactivity security mechanism teaches a predetermined signal that relates to an authentication-update process within a second

predetermined time, eliminating the need for keyboard password authentication, and improving

system security.

Conclusion

17.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy

as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date
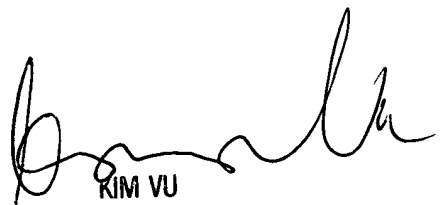
of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Beemnet W Dada whose telephone number is (703) 305-8895. The

examiner can normally be reached on Monday - Friday (8:30 am - 6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

July 11, 2004

KIM VU
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